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et al.

H.B. No. 1177

A BILL TO BE ENTITLED

AN ACT

relating to carrying a handgun during a state of disaster.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 46.15, Penal Code, is amended by adding Subsections (k) and (l) to read as follows:

(k) Section 46.02 does not apply to a person who carries a handgun if:

(1) the person carries the handgun while:

(A) evacuating from an area following the declaration of a state of disaster under Section 418.014, Government Code, or a local state of disaster under Section 418.108, Government Code, with respect to that area; or

(B) reentering that area following the person's evacuation;

(2) not more than 168 hours have elapsed since the state of disaster or local state of disaster was declared, or more than 168 hours have elapsed since the time the declaration was made and the governor has extended the period during which a person may carry a handgun under this subsection; and

(3) the person is not prohibited by state or federal law from possessing a firearm.

(l) Sections 46.02, 46.03(a)(1), (a)(2), (a)(3), and (a)(4), and 46.035(a), (a-1), (a-2), (a-3), (b)(1), (b)(5), and (b)(6) do not apply to a person who carries a handgun if:

1 (1) the person carries the handgun on the premises, as
2 defined by the statute providing the applicable offense, of a
3 location operating as an emergency shelter during a state of
4 disaster declared under Section 418.014, Government Code, or a
5 local state of disaster declared under Section 418.108, Government
6 Code;

7 (2) the owner, controller, or operator of the premises
8 or a person acting with the apparent authority of the owner,
9 controller, or operator, authorized the carrying of the handgun;

10 (3) the person carrying the handgun complies with any
11 rules and regulations of the owner, controller, or operator of the
12 premises that govern the carrying of a handgun on the premises; and

13 (4) the person is not prohibited by state or federal
14 law from possessing a firearm.

15 SECTION 2. The change in law made by this Act applies only
16 to an offense committed on or after the effective date of this Act.
17 An offense committed before the effective date of this Act is
18 governed by the law in effect on the date the offense was committed,
19 and the former law is continued in effect for that purpose. For
20 purposes of this section, an offense was committed before the
21 effective date of this Act if any element of the offense was
22 committed before that date.

23 SECTION 3. This Act takes effect September 1, 2019.